A REMONSTRANCE OR THE DECLARATION Of the Lords and Commons, now Assembled in Parliament the 26 of *May*, 1642.

In Answer to a Declaration, Under His Majesty's Name, concerning the business of *Hull*, sent in a Message to both Houses, the 21 of *May*, 1641. According to an Order made in the House of Commons on *Saturday* last.

I have examined this Copy with the Originall, and have mended it.

H. Elsing *Cler. Parl. D. Com.*

LONDON,
Printed for *E. Paxton*, and *T. P.*
1642.

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JUNE 1, 1916

THE THIRD REMONSTRANCE.

ALthough the great affaires of this Kingdom, and the miserable and bleeding condition of the Kingdom of *Ireland* affords us little leasure to spend our time in Declarations, and in Answers and Replies; Yet the malignant party about his Majesty, taking all occasions to multiply Calumnies upon the Houses of *Parliament*, and to publish sharp Invectives under His Majesty's Name, against them and their proceedings, A new engine which they have invented to highten the distraction of this Kingdome, and to beget and increase distrust and disaffection between the King and His *Parliament* and the People, we cannot be so much wanting of our own Innocency, or to the duty of our Trust, as not to cleere our selves from those false aspersions, and (which is our chiefest care) to disabuse the People's minds, and open their eyes; That under the false shews and pretexts of the Law of the Land, and of their own Rights and Liberties, they may not be carried into the Roade-way, that leadeth to the utter ruine and subversion thereof; a late occasion that these wicked spirits of division have taken to defame, and indeed to arraigne the proceedings of both Houses of *Parliament*. Hath been from our *Votes* of the 28 of *Aprill*, and our *Declaration* concerning the businesse of *Hull*, which because we put forth before we could send our Answer concerning that matter unto His Majesty, those mischievous Instruments of dissention, between the *King*, the *Parliament* and the *People*, whose chiefe labour and study, is to mis-represent our actions to His Majesty and to the Kingdom, would needs Interpret this as an appeale to the People, and a declining of all Intercourse between His Majesty and us, as if we thought it to no purpose to endeavour any more to give him satisfaction, and without expecting any longer our Answer; Vnder the name of a *Message* from His Majesty to both Houses, they themselves have indeed made an appeale to the People, as the Message it self doth in a manner grant it to be, offering to joyne issue with us in that way, and in the nature thereof doth cleerly shew it selfe to be no other, therfore we shall likewise addresse our Answer to the Kingdome, not by way of appeale as we are charged, but to prevent them from being their own executioners, and

ties, and Estates out of their hands whom they have chosen and intrusted therewith, and resigning them up unto some evil Counsellors about His Majesty, who can lay no other foundation of their own greatnesse, but upon the ruine of this, and in it of all *Parliaments*, and in them of the true Religion, and the Freedom of this Nation, and these are the men that would perswade the People that both Houses of *Parliament* containing all the *Peeres*, and representing all the *Commons* of *England*, would destroy the Laws of the Land, and the Liberty of the *People*, wherein besides the Trust of the whole; they themselves in their owne particulars have so great an Interest of Honour, and Estate, that we hope it will gaine little credit with any that have the least use of Reason, that such as must have so great a share in the misery, should take so much paines, in the procuring thereof, and spend so much time, and run so many hazards to make themselves slaves, and to distroy the property of their Estates; but that we may give particular satisfaction to the severall imputations cast upon us: we shall take them in order as they are laid upon us in that *Message*.

First, we are charged for the avoyding of that Act of Sir *John Hotham*, which is termed unparalelled, and an high and unheard of affront unto His Majesty, and as if we needed not to have done it, he being able, as is alleaged, to produce no such command of the Houses of *Parliament*.

Although Sir *John Hotham* had not an order that did expresse every circumstance of that case, yet he might have produced an order of both Houses, which did comprehend this case, not only in the cleere intention, but in the very words thereof; which knowing in our consciences to be so, and to be most necessary for the safety of the Kingdom, we could not but in Honor and Iustice avow that act of his, which we are confident will appeare to all the World, to be so farre from being an affront to the King, that it will be found to have been an act of great loyalty to His Majesty and to His Kingdom.

The next charge upon us is, That instead of giving His Majesty satisfaction, we phlished a *Declaration* concerning that businesse, as an appeale to the People, and as if our Intercourse with His Majesty and for His satisfaction were now to no more purpose, which course is alleadged to be very unagreeable to the modesty and duty of former times, and not warrantable by any presidents, but what our selves have made: If the penner of this *Message* had expected a while, or had not expected, that two Houses of *Parliament*, (especially burthened as they are at this time with so many pressing and urgent affaires) should have moved as fast as himselfe, he would not have said that *Declaration* was instead of an *Answer* to His Majesty, which we did dispatch with all the speed and diligence we could, and have sent it to His Majesty, by a Committee of both Houses, whereby it appeares that we did it not upon that ground, that we thought it was no more to any purpose to indeavour to give His Majesty satisfaction; And as for the duty and modesty of former times, from which we are said to have varied, and to want the warrant of any presidents therein but what our selves have made;

those were upon which our Predeceſſors firſt made any for us. And as ſome preſidents ought not to be rules for us to follow; ſo none can be limits to bound our proceedings, which may and muſt vary according to the different condition of times, and for this particular, of ſetting forth Declarations for the ſatisfaction of the people, who have choſen and intruſted us with all that is deareſt to them, it there be no example for it, it is becauſe there were never any ſuch monſters before, that ever attempted to diſaffect the People from a *Parliament*, or could ever harbour a thought that it might be effected, were there ever ſuch practiſes to poyſon the people with an ill aprehenſion of the *Parliament*, were there ever ſuch Imputations and ſcandals laid upon the proceedings of both Houſes; were there ever ſo many and ſo great breaches of Priviledg of *Parliament*, were there ever ſo many and ſo deſperate deſignes of force and violence againſt the *Parliament*, and the Members thereof, if we have done more than ever our Anc ſtors have done, we have ſuff red more than ever they have ſuffered, and yet in point of modeſty and duty we ſhall not yeeld to the beſt of former times, & we ſhal put this in iſſue, whether the higheſt & moſt unwarrantable precedents of any of his Maieſties Predeceſſors do not fall ſhort and much below what hath been done unto Vs this *Parliament*, and on the other ſide, whether if we ſhould make the higheſt preſidents of other *Parliaments* our paternes, there would be cauſe to complaine of want of modeſty and duty in us, when we have not ſo much as ſuffered ſuch things to enter into our thoughts, which all the World knowes they have put in Act.

Another charg which is laid very high upon us (and which were indeed a very great crim if we were found guilty therof) is that by avowing this Act of Sr *Io. Hotham*, we do in conſequence confound & deſtroy the Title & Intereſt of all his Maieſties good Subjects to their Lands & Goods, and that upon this ground, that his Majeſty hath the ſame Title to his Town of *Hull*, which any of his Subjects have to their Houſes or Lands, and the ſame to his Magazine and Munition there, that any man hath to his Money, Plate, or Iewels, and therfore that they ought not to have been diſpoſed of without or againſt his Conſent; no more than the Houſe, Land, Money, Plate, or Iewels of any Subject ought to be without or againſt his will.

Here that is laid down for a principle which would indeed pull up the very foundation of the Libertie, Property, and Intereſt of every Subiect in particular, and of all the Subiects in generall, if we ſhould admit it for a truth, that his Maieſty hath the ſame Right and Title to his Townes and to his Magazine (bought with the publike monies, as we conceive that at *Hull* have been) that every particular man hath to his Houſe, Lands and goods, for his *Maieſties* Townes are no more his own than his Kingdome is his own, and his Kingdome is no more his own than his People are his own, and if the King had a propriety in all his Towns, what would become of the Subjects propriety in their houſes therein, and if he had a propriety in his Kingdome, what would become of the Subjects propriety in their Lands throughout the King-

that every Sub. hath in their Lands or goods, & what should become of all the Sub. Interest, in the Towns & Forts of the Kingdom it self, if his Maty. might sell or give away, or dispose of them at his pleasure, as a particular man may do with his Lands, and with his goods, this eronious maxime, being infused into Princes, that their Kingdomes are their own, and that they may do with them what they will (as if their Kingdomes were for them, and not they for their Kingdomes) is the roote of all the Subiects misery, and of the Invading of their Iust Rights and Libertits, whereas in deed they are only intrusted with their Kingdomes, and with their Townes, and with their People, and with the publike Treasure of the Common-wealth, & whatsoever is bought therewith, and by the known Law of this Kingdome, the very Iewels of the Crowne are not the Kings proper goods, but are only intrusted to him for the use and ornament thereof, as the Townes, Forts, Treasure, Magazine, Offices and people of the Kingdome, and the whole Kingdome it selfe is entrusted unto him for the good and safety, and best advantage therof. & as this trust is for the use of the kingdom, so ought it to be managed by the advice of the Houses of *Parliament*, whom the Kingdome hath trusted for that purpose, it being their duty to see it be discharged according to the condition and true intent thereof, and as much as in them lies by all possible meanes to prevent the contrary, which if it hath been their chiefe care and only line in the disposing of the Towne and Magazine of *Hull*, in such manner as they have done, they hope it will appeare clearly to all the World, that they have discharged their own trust, and not invaded that of his Maiesty, much lesse his property which in this case they could not do.

But admitting his Maiesty had indeed had a property in the Town & Magazin of *Hull*, who doubts but that a *Parliament* may dispose of any thing wherin his Maiesty or any Subiects hath a right, in such a way as that the Kingdome may not be exposed to hazard or danger thereby; which is our case in disposing of the Town and Magazine of *Hull*, and whereas his Maiesty doth allow this, & a greater power to a *Parliament*, but in that sense only as he himselfe is a part thereof, we appeale to every mans conscience that hath observed our proceedings whether we disioyned his Maiesty from his *Parliament*, who have in all humble wayes sought his concurrence with us, as in this particular about *Hull*, and for the removall of the Magazine there so also in all other things, or whether these evil Counsels about him, have not seperated him from his *Parliament*, not only in distance of place, but also in discharg of this Ioynt trust with them for the peace & safety of the Kingdom in this & some other particulars.

We have given no occasiō to his Maty. to declare his resolutiō with so much cleerenes, that he wil not suffer either or both Houses by their Votes without or against his consent to inioyn any thing that is forbidden by the Law, or to forbid any thing that is inioyned by the Law. For our Votes have done no such thing, & as we shall be very tender of the Law [illegible]

never allow a few privat persons about his Majesty nor his Majesty, himself in his own Person and out of His Courts to be Iudge of the Law, and that contrary to the Iudgment of the highest Court of Iudicature: In like manner that his Majesty hath not refused to consent to any thing that might be for the peace and happines of the Kingdom, we cannot admit it in any other sense, but as His Majesty taketh the measure of what will be for the peace and happinesse of the Kingdom from some few ill affected persons about him contrary to the advice and Iudgment of His great Councell of *Parliament*. And because the advice of both Houses of *Parliament* hath through the suggestions of evill Councellors been so much undervalued of late, and so absolutely rejected and refused, we hold it fit to declare unto the Kingdom (whose honor and interest is so much concerned in it) what is the priviledge of the great Counsell of *Parliament* herein, & what is the Obligation that lyeth upon the Kings of this Realme, to passe such Bils as are offered unto them by both Houses of *Parliament*, in the name, and for the good of the whole Kingdom whereunto they stand ingaged both in Conscience and in Iusticice to give their Royall assent; In conscience, in respect of the Oath that is or ought to be taken by the Kings of this Realm at their Coronation, as wel to confirme by their Royall assent such good Laws as their people shall choose, and to remedy by Law such inconveniences as the Kingdom may suffer, as to keepe and protect the Laws already in being, as may appeare both by the forme of the Oath upon Record, and in Books of good Authority, and by the Statute of the 25. *Edw.* 3. entituled *the Statute of Provisors of Benefices*, the forme of which Oath and the cause of that Statute concerning are as followeth.

Form juramenti soliti & consueti præstari, per Reges Angliæ in eorum Coronatione.

Servabis Ecclesiæ Dei, Cleroque & populo pacem ex integro & concordiam in Deo secundum vires tuas?

Respondebit, Servabo.

Facies fieri in omnibus judiciis tuis equam & rectam justitiam & discretionem in misericordia & lenitate secundum vires tuas?

Respondebit, Faciam.

Concedis justas leges & consuetudines esse tenendas & permittis per te eas esse protegendas & ad honorem Dei corroborandas quas vulgus elegerit secundum vires tuas?

Respondebit, Concedo & permitto.

Adjicianturq; prædictis interrogationibus quæ justa fuerint, per nunciat isq; omnibus confirmet Rex se omnia servaturum sacramento super altare præstico coram cunctis.

A Clause in the Preamble of a Statute made 25. *Edw.* 3. Entituled *the Statute of Provisors of Benefices.*

Whereupon the said Commons have prayed our said Lord the King, that sith the right of the Crown of *England*, and the Law of the said Realm is such, that upon the mischiefs and damages which happen to his Realme he ought, and is

damned unlesse, that it may please him thereupon to ordaine remedy.

Our Lord the King seeing the mischiefes and damages before mentioned, and having regard to the said Statute, made in the time of his said Grandfather, and to the causes contained in the same, which Statute holdeth always his force and was never defeated, repealed, nor adnulled in any point, and by so much hee is bounden by his Oath to cause the same to be kept as the Law of his Realme, though that by sufferance and negligence it hath been sithence attempted to the contrary, also having regard to the grievous complaints made to Him by His people in divers his *Parliaments* holden heretofore, willing to ordaine remedy for the great damages and mischiefes which have happened, and dayly do happen to the Church of *England* by the said cause.

Here the Lords and Commons claime it directly as the right of the Crown of *England*, and of the Law of the Land, and that the King is bound by His Oath, with the accord of his people in *Parliament* to make remedy and Law upon the mischiefes and damages which happen to this Realme, and the King doth not deny it, although he takes occasion from a Statute formerly made by his Grandfather, which was layed as part of the grounds of this Petition, to fixe His Answer upon another branch of his Oath, and pretermits that which is claimed by the Lords and Commons which he would not have done if it might have been excepted against.

In Justice they are obliged thereunto, in respect of the trust reposed in them, which is as well to preserve the Kingdom by the making of new Laws where there shall be need, as by the observing of Laws already made. A Kingdom being many times as much exposed to ruine for the want of a new Law, as by the violation of those that are in being, and this is so cleare a right, that no doubt His Majesty will acknowledge it to be as due unto his people as his protection; but how far forth he is obliged to follow the Iudgment of his *Parliament* therein, that is the question. And certainly besides the words in the Kings Oath, referring unto such Laws as the people shall chuse, as in such thing which concerne the Publique Weale and good of the Kingdome, they are the most proper Iudges who are sent from the whole Kingdome for that very purpose, so we do not find that since Laws have passed by way of Bils (which are read thrice in both Houses and committed, and every part and circumstance of them fully weighed and debated upon the commitment, and afterwards passed in both Houses) that ever the Kings of this Realme did deny them otherwise then is expressed in that usuall Answer, *Le Roy s'avisera*, which signifies rather a suspension then a refusall of the Royall Assent, and in those other Laws which are framed by way of Petitions of Right, the Houses of *Parliament* have taken themselves to be so far Iudges of the Rights claimed by them, that when the Kings Answer hath not in every point been fully according to their desire, they have still insisted upon their claime, and never rested satisfied till such time as they had an answer according to their own demand, as was done in the late Petition of Right, and in former times upon the like occasion, and if the *Parliament* be Iudge betweene the

King and his People in the Question of Right (as by the manner of the claime in Petitions of Right, and by Iudgements in *Parliament*, in Cases of illegall Impositions and Taxes, and the like it appeareth to be) why should they not be so also in the question of the common good, and necessity of the Kingdome, wherein the Kingdome hath as cleare a right also to have the benefit and remedy of Law, as in any thing whatsoever, and yet we do not deny but in private Bils, and also in publike Acts of Grace, as Pardons and the like grants of favour, his Majesty may have a greater latitude of granting or denying as he shal think fit.

All this considered, we cannot but wonder that the Contriver of this Message, should conceive the people of this Land to be so void of common sense, as to enter into so deep a mistrust of those that they have, and his Majesty ought to repose so great a trust in as to despaire of any security in their private estates, by discents, purchases, Assurances, or Conveyances, unlesse his Majesty should by his Vote prevent the prejudice they might receive therein, by the Votes of both Houses of *Parliament*; As if they who are especially chosen and intrusted for that purpose, and who themselves must needs have so great a share in all grievances of the Subject, had wholy cast off all care of the Subjects good, and his Majesty had solely taken it up; And as if it could be imagined that they should by their Votes overthrow the rights of Discents, Purchases, or of any Conveyance or Assurance, in whose judgement the whole Kingdome hath placed all their particular Interesses, if any of them should be called in question in any of those Cases, and that (as knowing not where to place them with greater security) without any appeale from them to any other person or Court whatsoever.

But indeed we are very much to seeke how the case of *Hull* should concerne Discents, and Purchases, or Coveyances, and Assurances, unlesse it be in procuring more security to men in their private Interesses by the preservation of the whole from confusion and distruction, and much lesse do we understand how the Soveraigne Power was resisted and despised therein; Certainly no command from his Majesty, and his high Court of *Parliament* (where the soveraign power resines (was disobeyed by Sir *John Hotham*, nor yet was His Majesty's Authority derived out of any other Court, nor by any legall Commission, or by any other way, wherein the Law hath appointed His Majesties commands to be derived to his Subiects, and of what validity his verball Commands are, without any such stampe of his Authority upon them, and against the Order of both Houses of *Parliament*, and whether the not submitting thereunto be a resisting and despising of the Soveraigne Authority, we leave it to all men to iudge, that do at all understand the government of this Kingdome.

We acknowledge that his Majesty hath made many expressions of his zeale and intentions against the desperate designes of Papists; but yet it is also as true, that the Counsels which have prevailed of late with him, have been little sutable to those expressions and intentions: For what doth more advance the open and bloudy designe of the Papists in *Ireland*, (whereon the secret plots

of

of the Papists here, doe in likely-hood depend) than his Majesties absenting himselfe, in that manner that he doth from his Parliament, and setting forth such sharp Invectives against them, notwithstanding all the humble Petitions, and other means which his Parliament hath addressed unto him for his return, and for his satisfaction concerning their proceedings. And what was more likely to give a rise to the designes of Papists (whereof there are so many in the North neer to the Town of *Hull*) and of other malignant and ill-affected persons, which are ready to ioyne with them, or to the attempts of forrainers from abroad, than the continuing of that great Magazin at *Hull* at this time, and contrary to the desire and advice of both Houses of Parliament; so that we have too much cause to believe that the Papists have still some way and meanes, whereby they have influence upon his Majesties Counsels for their owne advantage.

For the Malignant party his Majesty needeth not a definition of the Law, nor yet a more full Character of them from both Houses of Parliament for to finde them out; if he will please only to apply the Character that himselfe hath made of them to those unto whom it doth properly and truly belong, who are so much dis-affected to the peace of the Kingdome, as they that endevour to dis-affect his Majesty from the Houses of Parliament, and perswade him to be at such a distance from them both in place and affection: Who are more dis-affected to the government of the Kingdome, than such as lead his Majestie away from hearkning to his Parliament, which by the constitution of his Kingdome is his greatest and best Counsell, and perswade him to follow the malitious Counsels of some private men, in opposing and contradicting the wholsome advices, and iust proceedings of that his most faithfull Councell and highest Court? Who are they that not only neglect and despise, but labour to undermine the Law, under colour of maintaining of it. But they that indevour to destroy the fountaine and Conservatory of the law, which is the Parliament? and who are they that set up other Rules for themselves to walke by then such as are according to Law, but they that will make other Iudges of the Law than the Law hath appointed, and so dispence with their obedience to that which the Law calleth Authority, and to their determinations and resolutions to whom the Iudgement doth appertaine by Law: For when private persons shall make the Law to be their Rule, according to their own understandings, contrary to the iudgement of those that are the competent Iudges thereof, they set up unto themselves other Rules then the Law doth acknowledge: who these persons are, none knoweth better than his Majesty himselfe: And if he will please to take all possible caution of them, as destructive to the Common-wealth and himself, and would remove them from about him, it would be the most effectuall meanes to compose all the distractions, and to cure the distempers of this Kingdome.

For the Lord *Digby* his Letter, we did not make mention of it as a ground to hinder his Majestie from visiting his own fort, but we appeale to the iudgement of any indifferent man that shall read that Letter, and compare it with the posture that his Majesty then did, and still doth stand in, towards the Parliament, and with the circumstances of that late action of his Majesty, in going to *Hull*, whether the Advisors of that Iourney, intended only a visit of that Fort and Magazine? as to the wayes and [illegible] of accommodation, & the message of the 20. of Ianuary last, so often pressed,

of the 20. of Ianuary hath been pressed, so often have our Priviledges been cleerely infringed, that a way and method of proceeding should be prescribed unto us, as well for the setling of his Majesties Revenue, as for the presenting of our owne desires (a thing which in former Parliaments hath alwaies been excepted against as a breach of priviledge) yet in respect to the matter contained in that message, and out of our earnest desire to beget a good understanding between his Majesty and us, we swallowed down all matters of Circumstance, and had ere this time presented the chiefe of our desires to his Maiestie, had we not beene interrupted with continuall Denials even of those things that were necessary for our present security and subsistance, and had not those denyals been followed with perpetuall Invectives against us and our proceedings, and had not those Invectives been heaped upon us so thick one after another, (who were already in a manner wholly taken up with pressing affaires of this Kingdome, and of the Kingdome of Ireland) that as wee had little encouragement from thence to hope for any good Answers to our desires, so we had not so much time left us to perfect them in such a manner as to offer them unto his Majesty.

We confesse it is a Resolution most worthy of a Prince, and of his Majestie, to shut his eares against any that would incline him to a civill Warre, and to abhor the very apprehension of it, but we cannot beleeve that mind to have been in them that came with his Maiesty to the House of Commons, or in them that accompanied his Maiestie to *Hampton* Court, and appeared in a warlike maner at *Kingston* upon Thames, or in divers of them that followed his Majesty now lately to *Hull*, or in them that after drew their Swords at *Yorke*, demanding who would be for the King, nor in them that advised his Majesty to declare Sir *Iohn Hotham* a Traytor before the Message was sent concerning that businesse to the Parliament, or to make propositions to the Gentlemen of the County of *Yorke*, to assist his Majesty to proceed against him in a way of force before he had, or possible could receive an Answer from the Parliament, to whom he had sent to demand Iustice of them against Sir *Iohn Hotham* for that fact, and if those malignant spirits shall ever force us to defend our Religion, the Kingdome, the priviledges of Parliament, and the Rights and Liberties of the Subjects, with our swords, the bloud and destruction that shall ensue thereupon must be wholly cast upon their Account, God and our owne Consciences tell us that we are cleare, and wee doubt not but God and the whole world will cleare us therein.

For Captaine *Legg* we did not say that hee was accused, or that there was any charge against him for the bringing up of the Army, but that he was imployed in that businesse. And for that question concerning the Earle of *New-Castle* mentioned by his Majesty, which is said to have bin asked long since, and that it is not easie to be answered, We conceive that it is a question of more difficulty and harder to be answered; Why, when his Majesty held it necessary, upon the same grounds that first moved from the Houses of Parliament, That a Governour should be placed in that Towne, Sir *Iohn Hotham* a Gentleman of known Fortune and Integrity, and a person of whom both Houses of Parliament had [illegible] confidence, should be refused by his Majesty, and the Earle of [illegible] was so far [illegible]

left so unblemished thereby, as that he should be thought the fittest man to *England* for that imployment of *Hull*) should be sent down in a private way from his Maiesty to take upon him that government, and why he should disguise himselfe under another name, when he came thither, as he did. But whosoever shall consider, together with these circumstances, that of the time when Sir *John Hotham* was first appointed by both Houses of *Parliament* to take upon him that employment, which was presently after his Maiesties comming to the House of Commons, and upon the retyring of himselfe to *Hampton Court*, and the L. *Digbies* assembling of Cavaleers at *Kingston* upon *Thames*, will find reason enough why that Towne of *Hull* should be committed rather to Sir *John Hotham*, by the authoritie of both Houses of *Parliament*, than to the Earle of *New-Castle*, sent from his Maiestie in that manner that he was: And for the power that Sir *John Hotham* hath from the Houses of Parliament, the better it is known and understood, we are confident the more it will be approved of and justified: And as we do not conceive that his Majesties refusall to have that Magazin removed could give any advantage against him to have it taken from him, and as no such thing is done, so we cannot conceive for what other reason any should councell his Majestie not to suffer it to be removed, upon the desire of both Houses of Parliament, except it be that they had an intention to make use of it against them.

We did not except against those that presented a petition to his Maiesty at *York* for the continuance of the Magazine at *Hull*, in respect of their condition, or in respect of their number, because they were mean persons, or because they were few; but because they being but a few, and there being so many more in the Countie of as good quality as themselves (who have by their petition to his Maiesty disavowed that act of theirs) that they should take upon them the stile of all the Gentrie and Inhabitants of that Countie, and under that title should presume to interpose their advice contrary to the Votes of both Houses of Parliament, and if it can be made to appeare, that any of these Petitions that are said to have been presented to the Houses of Parliament, and to have been of a strange nature, were of such a nature as that, we are confident that they were never received with our consent and approbation.

Whether there was an intention to deprive Sir *John Hotham* of his life, if his Maiestie had been admitted into *Hull*, and whether the information were such, as that he had ground to beleeve it, we will not bring it into question; for that was not, nor ought to have been the ground for doing what he did, neither was the number of his Maiesties Attendants, for being more or fewer, much considerable in this case: For although it be true, that if his Maiestie had entred with twenty horse onely, he might haply have found meanes for to have forced the entrance of the rest of his Train, who being once in the Town would not have been long without Armes, yet that was not the ground that Sir *John Hotham* was to proceed upon, but upon the admittance of the King into the Town at all, so as to deliver up the Towne and Magazin unto him, and to whomsoever hee should give the command thereof, without the knowledge and consent of both Houses of Parliament, by whom he was entrusted to the contrary; and his Maiestie having declared that he his comming

sed, as supposing it to be kept against him, and in the like manner concerning his Magazine, in his message of the foure and twentieth of April, wherein it is expressed, that his Majestie went thither with a purpose to take into his hands the Magazine, and to dispose of it in such manner as he should think fit, upon these termes Sir *John Hotham* could not have admitted his Majestie, and have made good his trust to the Parliament, though his *Majestie* would have entred alone, without any Attendants at all of his owne, or of the Prince or Duke, his sonnes, which we doe not wish to be lesse than they are in their number, but could heartily wish that they were generally better in their conditions.

In the close of this message, his *Majestie* states the case of *Hull*, and thereupon inferreth, that the Act of Sir *John Hotham*, was levying of war against the King, and consequently that it was no lesse than high treason, by the Letter of the Statutes of 25. *Edw.* 3. *Cap.* 2. unlesse the sense of that Statute be very farre differing from the Letter thereof.

In the stating of this Case divers particulars may be observed, wherein it is not rightly stated: As first, That his Majesties going to Hull was onely an endeavour to visit a Town and Fort of his; whereas it was indeed to possesse himself of the Towne and Magazine there, and to dispose of them as he himself should think good, without and contrary to the Advices and Orders of both Houses of Parliament, as doth clearly appeare by his Majesties own Declaration of his intentions therein, by his Messages to both Houses immediately before and after that journey. Nor can we beleeve that any man that shall consider the circumstances of that journey to Hull, can thinke that his Majesty would have gone thither at that time, and in that posture, that he was pleased to put himself in towards the Parliament, if he had intended only a visite of the Town and Magazine. Secondly, it is said to be his Majesties own Town, and his owne Magazine: which being understood in that sense as was before expressed, as if his Majesty had a private interest of propriety therein, we cannot admit it to be so. Thirdly (which is the main point of all.) Sir *John Hotham* is said to have shut the gates against his Majesty, and to have made resistance with armed men in defiance of his Majesty, whereas it was indeed in obedience to his Majesty and his authority, and for his service and the service of the Kingdome, for which use onely all that interest is that the King hath in the Town; and it is no further his to dispose of, then he useth it for that end: And Sir *John Hotham* being commanded to keep the Town and Magazine for his Majesty and the Kingdome, and not to deliver them up, but by his Majesties authority signified by both Houses of Parliament, all that is to be understood by those expressions of his denying and opposing his Majesties entrance, and telling him in plain termes he should not come in, was onely this, That he humbly desired his Majesty to forbear his entrance, till he might acquaint the Parliament, and that his authority might come signified to him by both houses of Parliament, according to the trust reposed in him. And certainly if the letter of the Statute of 25. *Ed.* 3. *c.* 2. be thought to import this, that no warre can be levied against the King, but what is directed and intended against his person; or that every levying of Forces for the defence of the Kings authority, and of his

the sense of that Statute; and so much the Statute it self speaks (besides the authority of Book cases, Presidents of divers Traitours condemned upon that interpretation thereof:) For if the clause of levying of warre had been ment only against the Kings person, what need had there been thereof, after the other branch of Treason in the same statute of compassing the Kings death, which would necessarily have implyed this, and because the former clause doth imply this, it seems not at all to be intended in this later branch, but onely the levying of warre against the King, that is against his Laws and authority; and the levying of war against his lawes and authority, though not against his person, is levying warre against the King; but the levying of force against his personall commands though accompanied with his presence, and not against his laws and authority, but in the maintenance thereof, is no levying of war against the King, but for him. Here is then our case: In a time of so many successive plots and designs of force against the Parliament and Kingdome: in a time of probable invasion from abroad, and that to begin at Hull, and to take the opportunity of seizing upon so great a Magazine there; In a time of so great distance and alienation of his Majesties affections from his Parliament, and in them from his Kingdome, which they represent, by the wicked suggestions of a few malignant persons, by whose mischievous counsels he is wholly led away from his Parliament, and their faithfull advices and counsels; In such a time the Lords and Commons in Parliament command Sir *John Hotham* to draw in some of the trained Bands of the parts adjacent to the Towne of Hull, for the securing of that Town and Magazine, for the service of his *Maiestie* and of the Kingdome; of the safety whereof there is a higher trust reposed in them then any elsewhere, and they are the proper Judges of the danger thereof.

This Town and *Magazine* being intrusted to Sir *John Hotham*, with expresse order not to deliver them up, but by the Kings authority signified by both Houses of *Parliament*; his *Maiesty*, contrary to the advice and direction of both Houses of *Parliament* without the authority of any Court, or of any legall way wherein the Law appoints the King to speak and command, accompanied with the same evill Councell about him that he had before, by a verball command requires Sir *John Hotham* to admit him into the Town, that he might dispose of it, and of the *Magazine* there, according to his owne, or rather according to the pleasure of those evil Counsellours, who are still in so much credit about him: in like manner as the Lord *Digby* hath continuall recourse unto, and countenance from the Queens *Maiesty* in Holland; by which he hath opportunity still to communicate his trayterous suggestions and conceptions to both their *Maiesties*, such as those were concerning his *Maiesties* retiring to a place of strength, and declaring himself, and his owne advancing of his *Maiesties* service in such a way beyond the seas, and after that resorting to his *Maiesty* in such a place of strength; and divers other things of that nature, contained in his letter to the Queens *Maiesty*, and to Sir *Lewes Dives*, a person that had not the least part in this late businesse of Hull; and was presently dispatcht away into Holland, soon after his *Maiesties* returne from Hull, for what purpose, we leave the world to judge.

Upon the refusall of Sir *John Hotham* to admit his *Majesty* into Hull, presently with-

violation of the Subjects right, nor any breach of the law, nor of the priviledge of Parliament; though Sir *John Hotham* be a member of the House of Commons: and that his Majesty must have better reason then bare votes to believe the contrary. Although the Votes of the Lords and Commons in Parliament, being the great Counsell of the Kingdome, are the reason of the King and Kingdome, yet these Votes doe not carry cleer and apparent reason for them: for if the solemn proclaiming a man a Traitor signifie any thing, it puts a man, and all those that any way side, assist, or adhere to him, into the same condition of Treason, and draws upon him all the consequences of Treason; and if this may be done by law, without that processe of law, the Subject hath a very poor defence of the law, and a very small, if any proportion of liberty thereby; and it is as little satisfaction to a man that shall be exposed to such penalties, by that declaration of him to be a Traytour, to say he shall have a legall tryall after wards if it is to condemn a man first and try him afterwards. And if there can be a necessity for any such proclaiming a man Traytour, without due processe of law, yet there was none in this case. For his Majesty might have as well expected the judgement of the Parliament (which was the right way) as he had reason to send to them to demand justice against Sir *John Hotham*. And the breach of Parl. privileges is as cleer in this case as the subversion of the Subjects common rights. For though the priviledges of Parliament do not extend to those cases mentioned in the Declaration of Treason, Felony, and breach of the Peace, so as to exempt the Members of Parliament from punishment, nor from the manner of Processe and triall, as it doth in other cases, yet it doth priviledge them in the way and method of their triall and punishment, and that the Parliament should have the cause first brought before them, that they may judge of the fact, and of the grounds of the accusation, and how far forth the manner of their triall may concern or not concern the priviledge of Parliament; otherwise it would be in the power not only of his Majesty, but of every private man, under pretensions of Treasons, or those other crimes, to take any man from his service in Parliament, and so as many, one after another as he pleaseth, and consequently to make a Parliament what he will, when he will, which would be a breach of so essentiall a priviledge of Parliament, as that the very being thereof depends upon it; and therefore we no wayes doubt, but every one that hath taken the Protestation, will according to his solemn vow and oath, defend it with his life and fortunes. Neither doth the siting of a Parliament suspend all or any Law, in maintaining that law which upholds the priviledge of Parliament, which upholds the Parliament, which upholds the Kingdome: And we are so far from believing that his Majesty is the only Person against whom Treason cannot be committed, that in some sense we acknowledge he is the only person against whom it can be committed; that is, as he is King, and that Treason which is against the Kingdome is more against the King, than that which is against his person, because he is King: For that very Treason is not Treason as it is against him as a man, but as a man that is a King; and he hath relation to the Kingdome, and stands as a Person intrusted with the Kingdome, and discharging that trust. Now the case is truly stated, and all the world may judge where the fault is, although we must avow that there can be no competent Judg

his just Priviledges, and for the recovery and maintenance of his known and undoubted Rights, if there should be any invasion or violation thereof then to his high Court of Parliament. And in case wicked Counsellours about him shall drive him into any other Course from and against his Parliament, what ever are his Majesties expressions and intentions, we shall appeal to all mens consciences, and desire that they would lay their hands upon their hearts, and think with themselves, whether such persons as have of late and still do resort to his Majesty, and have his eare and favour most, either have been or are more zealous Assertors of the Protestant Profession (although we beleeve they are more earnest in the Protestant Profession, then in the Protestant Religion) or of the Law of the Land, the Liberty of the Subject, and the priviledges of Parliament, then the Members of both Houses of Parliament, who are insinuated to be the Destroyers, if not the destroyers of them: And whether if they could master this Parliament by force they would not hold up the same power to deprive us of all Parliaments, which are the ground and pillar of the Subjects liberty, and thus which onely maketh England a free Monarchie.

For the Order of Assistance to the Committees of both Houses, as they have no directions or instructions, but what have the Law for their Limits, and the safety of the Land for their ends; so we doubt not but all persons mentioned in that Order, and all his Majesties good Subjects will yeeld obedience to his Majesties Authority signified therein by both Houses of Parliament: And that all men may the better know their duty in matters of that nature, and upon how sure a ground they goe that follow the judgement of the Parliament for their guide, we wish them seriously to consider the true meaning and ground of that Statute made in the eleventh year of *Hen.* 7. cap. 1. which is printed at large in the end of his Majesties message of the fourth of *May*. This Statute provides, that none that shall attend upon the King, and doe him true service, shall be attainted or forfeit any thing: What was the scope of this Statute? To provide that such should not suffer as Traytors for serving the King in his Wars according to the duty of their Allegeance: if this had been all, it had been a very needlesse and ridiculous Statute: Was it not intended (as they may seem to take the meaning of it to be, that caused it to be printed after his Majesties Message) that they should be free from all crime and penalty that should follow the King, and serve him in Warre in any case whatsoever; whether it were for or against the Kingdome, and the Lawes thereof? that cannot be, for that could not stand with the duty of their Allegeance; which in the beginning of this Statute is expressed to be, to serve the King for the time being in his Warres, for the defence of Him and the Land; and therefore if it be against the Land, (as it cannot be understood to be otherwise if it be against the Parliament, the representative body of the Kingdome;) It is a declining from the duty of Allegeance, which this Statute supposeth may be done, though men should follow the Kings Person in the warre: Otherwise there had been no need of such a proviso in the end of this Statute, that none should take benefit thereby that should decline from their Allegeance. That therefore which is the principall verb in this Statute, is *the serving of the King for the time being*; which cannot be meant of a *Perkin Warbeck*, or any that should call himself King, but such an one as [illegible]

Kingdome; the consent whereof cannot be discerned but by Parliament; the Act whereof is the Act of the whole Kingdome by the personall suffrage of the Peers, and the delegate consent of all the Commons of *England*: And *Hen.*7. a wise King, considering that what was the case of *R.*3. his Predecessour, might by chance of Battell be his own, and that he might at once by such a Statute as this, satisfie such as had served his Predecessor in his Warres; and also secure those that should serve him, who might otherwise feare to serve him in the Warres, lest by chance of Battell that might happen to him also (if a Duke of York had set up a Title against him) which had happened to his Predecessor: he procured this Statute to be made, that no man should be accounted a Traytor for serving the King in his Warres for the time being; that is, which was for the present allowed and received by the Parliament in behalfe of the Kingdome; and as it is truly suggested in the Preamble of the Statute. It is not agreeable to reason or conscience that it should be otherwise, seeing men should be put upon an impossibility of knowing their duty, if the judgement of the Highest Court should not be a Rule and guide to them: and if the judgement thereof should be followed, where the question is who is King? Much more, what is the best service of the King and Kingdome, and therefore those that shall guid themselves by the judgement of *P*arliament, ought what ever happen to be secure and free from all accounts and penalties, upon the grounds and equitie of this very Statute.

We shall conclude, that although those wicked Councellors about his Majesty, have presumed under his Majesties name to put that dishonour and affront upon both Houses of *P*arliament, as to make them the countenancers of Treason; enough to have dissolved all the bands and sinews of confidence between his Majesty and his *P*arliament, (of whom the Maxime of the law is, That a dishonourable thing ought not to be imagined of them) yet we doubt not but it shall in the end appear to all the world that our endeavours have been most hearty and sincere, for the maintenance of the true *P*rotestant Religion, the Kings just *P*rerogatives, the Lawes and Liberties of the Land, and the *P*riviledges of *P*arliament; in which endeavours by the grace of God we will still persist, though we should perish in the work: which if it should be, it is much to be feared, That Religion, Lawes, Liberties and *P*arliaments, would not bee long-lived after us.

FINIS.